

FY 2004 Defense Authorizations Side-by-Side

| Title/Issue | House Action (H.rpt 108-106) | Senate Action (S.rpt 108-46) | Conference Outcome |
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| Title IV - Military Personnel Authorizations | | | |
| Revision of personnel strength authorization and accounting process (sec. 421) | | The committee recommends a provision that would authorize a change to the method used by the Department of Defense to measure the strength for active duty and reserve component personnel from strength at the end of the fiscal year to average strength throughout the year.p 313 | The House recedes with a clarifying amendment that would require the SECDEF to prescribe quarterly end strength levels for each service and permissible maximum variances of actual end strength at the end of each quarter. The levels and variances established by the SECDEF should be such that they support maintenance throughout the year of the personnel strengths necessary to achieve the annual authorized end-strength levels. |
| Title V - Military Personnel Policy | | | |
| Warrant Officer Appointments for the Army National Guard | The committee has noted that the Army National Guard has not been able to fill all warrant officer vacancies. The committee is concerned that many qualified senior noncommissioned officers within the Army National Guard are being overlooked for warrant officer appointments. The committee believes that the Army National Guard has adequate educational institutions and resources to prepare noncommissioned officers for appointment as warrant officers. However, the Army has only one appointment source for warrant officers and the capability of the Army National Guard to prepare noncommissioned officers for warrant officer appointment is not utilized. The committee recommends that the Secretary of the Army review the process for appointing warrant officers and consider authorizing the Army National Guard to make warrant officer appointments. p 319 | | |
| Expanded authority for use of Ready Reserve in response to terrorism (sec. 511) | | The committee recommends a provision that would modify the language of section 12304(b) of title 10, United States Code, to authorize the use of reserves for all terrorist attacks or threatened terrorist attacks in the United States that result, or could result, in loss of life or property.p 315 | The House recedes with a clarifying amendment that would limit use of reserve component personnel and units in responding to a terrorist attack or threatened terrorist attack in the United States to those attacks that result, or could result, in significant loss or life or property, and only if the President determines that the requirements for responding to such an emergency have exceeded, or will exceed, the response capabilities of local, state, and federal civilian agencies. |
| Streamlined Process for Continuation of Officers on the Reserve Active-Status List | This section would remove the requirement for the secretary concerned to conduct a selection board to identify officers eligible for continuation on the reserve active-status list after being subject to separation or retirement due to nonselection for promotion, selection for early separation, or other reason. p 320 (section 521) | The committee recommends a provision that would eliminate the requirement for selection boards under sections 14101 and 14701 of title 10, United States Code, to continue reserve component officers on the reserve active-status list. p 315 (section 512) | The Senate recedes |

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| National Guard officers on active duty in command of National Guard units (sec. 513) | | The committee recommends a provision that would modify section 325 of title 32, United States Code, to allow officers of the Army or Air National Guard, called to active duty for the purpose of commanding a unit composed of both active duty and reserve component personnel, to retain and exercise their Army or Air National Guard state commissions if authorized by the President and the governor. Such National Guard officers would have the authority to command subordinate active duty personnel by virtue of their own active duty status and also retain the authority to command National Guard personnel in a nonfederal status. p 315 | |
| | | | The House recedes |
| Sec 518--Authority for the use of operation and maintenance funds for promotional activities of the national Committee for Employer Support of the Guard and reserve | | | The conferees include a provision that would authorize use of amounts appropriated for operation and maintenance, under regulations prescribed by the SECDEF, for official reception, representation, and advertising activities and materials of the National Committee for Employer Support of the Guard and Reserve to further employer commitments to their employees who are RC members. |
| Section 522—Consideration of Reserve Officers for Position Vacancy Promotions in Time of War or National Emergency | This section would authorize the secretary concerned to consider reserve officers ordered to active duty in support of a contingency operation for vacancy promotions for a period of up to two years of active duty service.p 320 | | |
| | | | The Senate recedes with technical amendment |
| Section 523—Simplification of Determination of Annual Participation for Purposes of Ready Reserve Training Requirements | This section would restate (in terms of days of duty to be performed) the annual training requirement for all members of the ready reserve, which is comprised of members of the selected reserve and individual ready reserve. At present, the typical member of the selected reserve is required to perform the equivalent of 38 training days of duty in the form of 48 periods of inactive duty for training (traditionally performed at the rate of four periods over a weekend) and 14 days of annual training. Other reservists fulfill training and active duty requirements in at least 32 different categories of duty status. This section would provide one measure of annual participation—38 days per year.p 321 | | |
| | | | The House recedes |

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| Section 524—Authority for Delegation of Required Secretarial Special Finding for Placement of Certain Retired Members in Ready Reserve | This section would allow the secretaries of the military departments to delegate determinations of whether retired members possess a skill so critical that they will be permitted to serve in a reserve component following retirement. However, this section would limit the delegation authority to no lower than the level of assistant secretary of the military service, or the level of lieutenant general or vice admiral in an armed force charged with responsibility for military personnel policy.p 321 | | The Senate recedes with technical amendment |
| Section 525—Authority To Provide Expenses of Army and Air Staff Personnel and National Guard Bureau Personnel Attending National Conventions of Certain Military Associations | This section would authorize the secretary concerned to fund the necessary expenses of regular members assigned to the National Guard Bureau or the Army General Staff or the Air Staff to attend the national convention of the Enlisted Association of the National Guard of the United States in the same manner as funding is provided to support attendance at the national conventions of the National Guard Association of the United States and the Adjutants General Association.p 321 | | The Senate recedes |
| Section 546—Authority for Reserve and Retired Regular Officers to Hold State and Local Elective Office Notwithstanding Call to Active Duty | This section would remove the restriction barring reservists or retirees serving on active duty for more than 270 days from holding elective office.p 324 | | The Senate recedes with an amendment that would provide that reserve and retired regular officers who serve on active duty for more than 270 days may not hold elective office in the government of a state if the holding of such office is prohibited under laws of that state or interferes with the performance of the officer's duties as an officer of the armed forces, as determined by the SECDEF. Additionally, the amendment would prohibit an officer who holds such a state elective office from exercising the functions of the office while on active duty with the armed forces. |

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| Section 553—Eligibility for Dependents of Certain Mobilized Reservists Stationed Overseas to Attend Defense Dependents Schools Overseas | This section would expand the eligibility for space-available, tuition free attendance at Department of Defense Dependents Schools (DODDS) overseas to the dependents of mobilized reservists who are called to active duty from a continental United States location and whose overseas tour is voluntarily or involuntarily extended beyond one year. The committee makes this recommendation to address a disparity in an admissions policy that now permits the dependents of reservists called to active duty from an overseas location to enroll in DODDS on a space-available, tuition-free basis, but denies such admission to reservists mobilized from the continental United States. It is the committee's intent to ensure that the dependents of mobilized reservists who become eligible for attendance at DODDS overseas under this section be admitted at the earliest feasible date. And require Secretary of Defense to prescribe final implementation regulations at the earliest opportunity for the dependents to begin schooling, but in no case later than the beginning of the school term close | | The Senate recedes with a clarifying amendment that would require DODDS tuition-status parity for dependent children of reservists who are ordered to active duty under section 12301 or 12302 of T10 USC from any location to overseas duty assignments. |
| Impact of reserve mobilization on state and local first responder units | |The committee is pleased that the Department has undertaken a comprehensive survey in order to determine the occupations of those who serve in the Reserves and their volunteer activities, insofar as they are related to first responder status. The committee urges the Department to identify concentrations of reservists and National Guardsmen who serve in first responder roles and to determine the effects of mobilization on the communities served by these first responders.p 320 | |
| Title VI - Compensation and Other Personnel Benefits | | | |
| Section 601—Increase in Basic Pay for Fiscal Year 2004 | This section would increase basic pay for members of the armed forces by an average of 4.1 percent. This section would provide enhanced increases for mid-grade and senior noncommissioned officers and select warrant officers to enhance retention. This raise would continue to fulfill Congress' commitment to increasing pay for the armed forces and would reduce the pay gap between military and private sector pay increases from 6.4 percent to 5.5 percent. p 329 | The committee recommends a provision that would authorize an across the board military pay raise of 3.7 percent, consistent with the standard set forth in section 602 of the National Defense Authorization Act for 2000 (Public Law 106–65), which requires that pay increases through fiscal year 2006 for all members equate to the Employment Cost Index plus 0.5 percent. The provision would authorize an additional targeted pay raise for certain experienced mid-career personnel that would have the effect of raising the average pay raise to 4.15 percent.p 323 | The House recedes |

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| Section 611—One-Year Extension of Certain Bonus and Special Pay Authorities for Reserve Forces | This section would extend the authority for the selected reserve reenlistment bonus, the selected reserve enlistment bonus, special pay for enlisted members of the selected reserve assigned to certain high priority units, the selected reserve affiliation bonus, the ready reserve enlistment and reenlistment bonus, and the prior service enlistment bonus until December 31, 2004. p 329 | The committee recommends a provision that would extend, until December 31, 2004, the authority to pay the Selected Reserve enlistment and reenlistment bonus, the Selected Reserve affiliation bonus, the special pay for enlisted members assigned to certain high priority units in the Selected Reserve, the Ready Reserve enlistment and reenlistment bonus, and the prior service enlistment bonus.p 324 | Identical provision/ included |
| Special pay for reserve officers holding positions of unusual responsibility and of critical nature | | The committee recommends a provision that would make reserve component officers eligible for special pay under section 306 of title 37, United States Code.p 325 (section 615) | The House recedes with technical amendment |
| Availability of Hostile Fire and Imminent Danger Pay for Reserve Component Members on Inactive Duty | This section would authorize reservists to be paid hostile fire and imminent danger pay at the same monthly rate paid to members serving on active duty when serving in an inactive duty for training status at duty locations authorized the pay. p 331 (section 616) | The committee recommends a provision that would authorize payment of hostile fire and imminent danger pay under section 310 of title 37, United States Code, to reserve component members performing inactive-duty training under regulations prescribed by the Secretary of Defense. The provision would be effective as of September 11, 2001.p 325 (section 620) | The House recedess with clarifying amendment |
| Section 619—Incentive Pay for Duty on Ground in Antarctica or on Arctic Icepack | This section would authorize service members performing duty on the ground in the Antarctic or on the icepack in the Arctic to be paid an additional \$5 for each day of that duty. p 331 | | The Senate recedes with an amendment that would authorize incentive pay under section 301 of T37 USC fpr hazerdous duty involving use of ski-equipped aircraft on the ground in Antarctica or on the Arctic icepack. |
| Payment of Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized (sec. 618) | | The committee recommends a provision that would clarify that members entitled to a bonus under section 308b of title 37, United States Code, who are called or ordered to active duty, may be paid any amount of such bonus that is payable during the period of active duty without regard to the fact that the member is serving on active duty pursuant to such call or order to active duty.p 325 | The House recedes with technical amendment |
| Section 620—Special Pay for Service as Member of Weapons of Mass Destruction Civil Support Team | This section would authorize members assigned by orders to duty as members of Weapons of Mass Destruction Civil Support Teams to be paid a special pay of \$150 per month. p 331 | | The Senate recedes with a clarifying amendment that would authorize secretaries of military departments to pay this special pay only if the secretary determines that the payment of this pay is needed to address recruitment or retention concerns for members of WMD-CST. Additionally, the monthly rate may be any amount not exceeding \$150/m |

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| Section 633—Reimbursement for Lodging Expenses of Certain Reserve Component and Retired Members During Authorized Leave From Temporary Duty Location | The committee is troubled that mobilized reservists and recalled retirees serving on active duty for extended periods away from their homes are not authorized to be reimbursed for lodging costs during periods of leave when those costs are paid by the member on a monthly basis. Accordingly, this section would authorize the secretaries of the military departments to reimburse reservists and retirees serving on active duty at duty locations away from their homes the lesser of the lodging portion of the applicable per diem rate or the actual cost of lodging paid by the member for periods during which the member is in a leave status. p 332 | | The Senate recedes with an amendment that would authorize service secretaries prospectively to pay or reimburse a member of the active or reserve components for lodging expenses incurred for a period during which the member is in an authorized leave status. To qualify for such payment, members must be assigned to temporary duty for a period of more than 30 days, in support of a contingency operation or in other specific situations designated by the secretary concerned. |
| Section 651—Expanded Commissary Access for Selected Reserve Members, Reserve Retirees Under Age 60, and Their Dependents | This section would authorize members of the selected reserve, reserve retirees qualified to receive retired pay, except that they are not age 60, and their dependents to use commissaries to the same extent as active duty members and their dependents. p 333 | | The Senate recedes |
| Title IX - Department of Defense Organization and Management | | | |
| Establishment of the National Guard of the Northern Mariana Islands (sec. 925) | | The committee recommends a provision that would authorize the Secretary of Defense to cooperate with the Governor of the Northern Mariana Islands to establish the National Guard of the Northern Mariana Islands and integrate into the Army National Guard and Air National Guard of the United States the members of the National Guard of the Northern Mariana Islands who are granted federal recognition under title 32, United States Code.p 355 | The Senate recedes |
| Title X - General Provisions | | | |
| Section 911—Required Force Structure |The Army would be required to maintain 10 active and eight National Guard divisions or their equivalents, one active armored cavalry regiment, one light cavalry regiment, 15 National Guard enhanced brigades and other such active or reserve component combat, combat support and combat service support formations as are required..... The Air Force would consist of not less than 46 active and 38 National Guard and Reserve fighter squadrons or their equivalents, 96 active combatcoded bomber aircraft, and other such active and reserve component formations as may be necessary to support the force. The committee notes that the terrorist attacks on September 11, 2001, the global war on terrorism, the fall of the Taliban in Afghanistan, and the elimination of Saddam Hussein's regime in Iraq have significantly altered the strategic landscape facing the United States. | | The House recedes |

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| Expanded use of National Guard counter-drug aircraft | <p>..... (1) The impact of the depletion of such assets performing aerial detection, intelligence, reconnaissance, and surveillance upon the federal, state and local law enforcement agencies currently supported by the National Guard C-26 aircraft. (2) Suitability of C-26 aircrew and aircraft to perform missions outside of the contiguous United States, particularly in the SOUTHCOM area of responsibility. (3) Adequacy of crew training, equipment and aircraft defensive systems to perform the proposed mission. (4) Limitations of airframe performance with respect to tactical and operational threats faced in proposed area of operations. (5) Potential use of alternative platforms to perform the proposed SOUTHCOM mission. Accordingly, the committee also expects the Secretary of Defense to develop a plan to address the issues raised in the assessment prior to establishing any deployments of the C-26 aircraft to the SOUTHCOM area of responsibility.....p 353</p> | | |
| Effective use of the National Guard | <p>..... The committee believes that legislation may be needed to address the situation, and directs the Secretary of Defense to examine, in consultation with the Chief, National Guard Bureau, the manner in which the national guard is called to active duty for homeland defense missions and recommend any changes he believes are necessary to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.p 354</p> | | |
| Report on mobilization of the Reserves (sec. 1024) | | <p>The committee recommends a provision that would require the Secretary of Defense, not later than 90 days after enactment of this Act, to submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the mobilization of reserve component forces during fiscal years 2002 and 2003. The report would include numbers and specialties of Reserves mobilized, the known effects on the reserve components, and any changes in the armed forces envisioned as a result of these effects.p 359</p> | <p>The House recedes with an amendment that would require the President, not later than 6 months after the date of enactment of this Act, to transmit to Congress a report on the mobilization of members of the reserve components during fiscal years 2002 and 2003. The report would include or each of those fiscal years the number of members of the RC who were called or ordered to active duty under a provision of law specified in section 101(a)(13)(B) of title 10, United States Code, and additional data regarding the duration and frequency of recalls for members of the RC. Additionally, the Secretary would be required to submit, not later than one year after the enactment of this Act, a report addressing, among other things the effects on the RC recruitment and retention resulting from mobilization of reserves</p> |

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| Sec 1043 - Study of the National Guard Challenge Program | | ...provide for a 65% maximum federal share for the costs of operating state programs under the National Guard Challenge Program for FY04. Additionally, the SECDEF would be required to carry out a study to identify potential alternatives to the matching fund structure in order to provide management flexibility to better respond to temporary fiscal conditions SA 821 | The House recedes with amendment (1)retain requirement for SECDEF study, (2) Maintain current federal-to-state ratio, (3) provide funding for 04 in accordance with PB |
| Additional Items of Interest | | | |
| Section 1102—Military Leave for Mobilized Federal Civilian Employees | This section would amend sections 6323, 5343(c)(4) and 5545(d) of title 5, United States Code, to assist mobilized Federal civilian employees, whose military pay is less than their Federal civilian salary, transition to military service by allowing them to receive 22 additional workdays of military leave. | | |
| Amendments | | | |
| SA 689 | | To ensure that members of the Ready Reserve of the Armed Forces are treated equitably in the provision of health care benefits under TRICARE and otherwise under the Defense Health Program. (Text) | |
| SA 696 | | Amendment in the nature of a substitute to SA 689 | |
| SA 763 | | Family Support Services | |
| SA 773 | | Adjust Authorized Appropriation Armed Forces Reserve Complex Center, Eugene, Oregon | |
| SA 823 | | Louisiana Ammunition Plant Feasibility Study | |
| SA 806 | | Increase Endstrength of Air Guard by 30 | |
| SA 821 | | Challenge Cost Share | |
| SA 831 | | Sense of the Senate Regarding NG counterdrug | |
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